

**United States Court of Appeals  
For the First Circuit**

No. 04-2655

~~NOTICE OF APPEAL~~

JACK ROGERS and PAUL PINELLA,  
Plaintiffs, Appellees,

v.

COMCAST CORPORATION and AT&T BROADBAND,  
Defendants, Appellants.

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**JUDGMENT**

Entered: April 20, 2006

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The decision of the district court is reversed and the case is remanded for further proceedings not inconsistent with the opinion of this date.

By the Court:  
Richard Cushing Donovan, Clerk

MARGARET CARTER  
By. \_\_\_\_\_  
Margaret Carter, Chief Deputy Clerk

Certified and Issued as Mandate  
under Fed. R. App. R. 41.

Richard Cushing Donovan, Clerk

Sarah A. Thornton  
Deputy Clerk

Date: 5/16/06

[certified copies: Honorable Edward F. Harrington and Sarah A. Thornton, Clerk]

[cc: Mr. Gilbert, Mr. Zavez, Mr. Rosmarin, Mr. Heins, Mr. Barnett, Mr. Woodward, Mr. Durran,  
Mr. Paul, Mr. Bianchi, Ms. Mullins, Mr. Berthiaume, Mr. Robertson and Mr. Brumfield]